IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1296 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/07/2004 in WP NO : 24216 OF 2003 on the file of the High Court.)

Between:

Hyderabad Urban Development Authority, (HUDA) Hyderabad, Rep. by its Secretary P. Venkata Rama Reddy, S/o. Raji Reddy, aged 40 Years, R/o. Hyderabad.

..... APPELLANT

AND

1 P. Meghanatha Reddy, S/o. Narayana Reddy,
R/o. 4-1-3, Hayath Nagar, Village & Mandal, R.R. District.
2 L.B. Nagar Municipality, Saroor nagar, Rep. by its R.R. District
Rep. by its Commissioner

(Respondent No.2 is not necessary party to this petition)

.....RESPONDENT(S)

Counsel for the Appellant: MR.B.VISWANATHA REDDY

Counsel for the Respondent No.1: MR.V.SRINIVAS

The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

Challenge by the respondent-appellant in this writ appeal is to the order passed by the learned single judge allowing the writ petition of the respondent No.1-writ petitioner with direction to the appellant to release the final lay out within a week from the date of receipt of a copy of the said order. While allowing the writ petition, learned single judge also imposed exemplary costs upon the appellant.

Learned counsel for the appellant submits that before the writ petition was allowed on 23.7.2004, appellant had already released the final lay out on 30.4.2004, which fact could not be brought to the notice of the learned single judge and the writ petition was disposed of. It was due to some communication gap; this fact was not brought to the notice of the learned single judge by the writ petitioner-respondent. It is not disputed that final lay out was released by the appellant on 30.4.2004, and in that view of the matter, the order imposing costs of Rs.10,000/- passed by the learned single judge is liable to be set aside and also the order allowing the writ petition, which, in fact, after release of lay out by the appellant stood infructuous.

Accordingly, the impugned order is set aside as the order in the writ petition had been rendered infructuous. No costs.

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DEVINDER GUPTA, CJ

Date: 30th August, 2004

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C.V.RAMULU,J

Pnb

To

1. The Vice Chairman, Hyderabad Urban Development Authority, (HUDA), 1-8-323, Paiga Plaza, Police Lines, Hyderabad.

2 The Commissioner, L.B. Nagar Municipality, Saroornagar, R.R. District
3 Two C.D. copies